
Judiciary Committee

HB 2722

Title: An act relating to persons appointed by the court to provide information in family law and adoption cases.

Brief Description: Concerning persons appointed by the court to provide information in family law and adoption cases.

Sponsors: Representatives Goodman, Pedersen, Moeller and Kenney.

Brief Summary of Bill

- Authorizes the court to order the parties to pay the fee of the guardian ad litem (GAL) in adoption cases.
- Defines the term "investigator" for the purposes of family law cases and requires investigators who are not supervised by a GAL or by a court-appointed special advocate (CASA) program to comply with training requirements.

Hearing Date: 1/18/10

Staff: Trudes Tango (786-7384).

Background:

GALs in adoption cases

In adoption proceedings, the court must appoint a GAL for any alleged parent under 18 years old. The court may appoint a GAL for the child subject to adoption. The county in which a petition is filed in an adoption proceeding must pay the fees of the GAL or attorney appointed by the court.

Investigators and GALs in family law cases

When the court is establishing a parenting plan for a child, the court may order an investigation and report concerning parenting arrangements or may appoint a GAL, or both. The investigation and report may be made by a GAL, the staff of the court, or a professional social service

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organization experienced in counseling children. Some family law courts have full or part-time investigators that work for the court. The term "investigator" is not defined in statute.

In counties with a CASA program for family law cases, the court may appoint a GAL from the CASA program. GALs and CASAs must comply with certain training requirements developed by the Administrative Office of the Courts (AOC).

The court may order either or both parties to pay for the GAL's costs, according to their ability to pay. If both parties are indigent, the county must bear the cost of the GAL. Unless a local court rule provides for otherwise, the court must specify the hourly rate a GAL may charge and specify the maximum amount the GAL may charge without additional court review and approval. The court must specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the GAL billing for his or her services.

Summary of Bill:

GALs in adoption cases

When a GAL is appointed in an adoption case, the court must direct who shall pay the GAL fee. If the court orders the parties to pay the GAL fee, the fee must be established under the same procedures that GAL fees are established in family law cases.

Investigators

The court may appoint an investigator in addition to a GAL or CASA to make recommendations to the court. The term "investigator" is defined to mean a person appointed by the court as a full or part-time assistant to the court, or any other third-party professional ordered or appointed by the court to provide an opinion, assessment, or evaluation regarding the creation or modification of a parenting plan.

Investigators who are not supervised by a GAL or by a CASA program must comply with the training requirements applicable to GALs or CASAs.

Appropriation: None.

Fiscal Note: Requested on 1/13/10.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.